IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

OP.No. 9417 of 2001(U)

PETITIONER:

BABY SHEELA P.K.,
U.D. CLERK,
THALASSERY MUNICIPALITY,
THALASSERY, DIST.KANNUR.

BY ADV. SRI.E.V.NAYANAR
SRI.SURESH SUKUMAR

RESPONDENTS:
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1. **THE DIRECTOR OF MUNICIPAL ADMINISTRATION,**
   THIRUVANANTHAPURAM.

2. **THE THALASSERY MUNICIPALITY,**
   THALASSERY REPRESENTED BY ITS SECRETARY.

3. **THE VATAKARA MUNICIPALITY,**
   VATAKARA, REPRESENTED BY ITS SECRETARY.

4. **T.REVATHY, U.D.CLERK,**
   VATAKARA MUNICIPALITY,
   VATAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.P.C.SASIDHARAN for R3
SRI.P.K.VIJAYAMOHANAN
SMT.C.T.SUJA for R4

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.15117/2001 IN O.P.NO.9417/2001 U

CLOSED

08/06/2007 **SD/-THOTTATHIL B.RADHAKRISHNAN,**
J U D G E.

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P1: **COPY OF ORDER NO.B7/1923/2001 DTD. 13/03/2001 OF THE DIRECTOR OF MUNICIPAL ADMINISTRATION, THIRUVANANTHAPURAM.**

/TRUE COPY/

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 9417 of 2001(U)

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Dated this the 8th day of June, 2007

J U D G M E N T

The petitioner, a widow with three minor children, was employed in the Thalassery Municipal Office. While so, she was served with the impugned Ext.P1 order, transferring her to Koothuparamba, by describing it as a request transfer. Disclosing her inability to move to Koothuparamba, by making reference to her situation at home and also specifically contending that she had never requested for any transfer, the petitioner filed this original petition challenging Ext.P1.

2. By interim order dated 27/03/2001, on C.M.P.No.15117/2001, this Court had directed that the petitioner shall be admitted to duty in Thalassery itself. The net effect of that order is that Ext.P1 transfer order, in so far as it relates to the petitioner, stood stayed. Therefore, she was entitled to continue in Thalassery.

3. There is no counter affidavit on record. The alleged 'request' of the petitioner for transfer, was just not there. Ext.P1 also does not show that it is in the exigencies of administration.

4. For the foregoing reasons, if Ext.P1 is still in force, the same is quashed to the extent it relates to the petitioner.

Original petition is allowed as above. No costs.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 9417 of 2001(U)

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J U D G M E N T

8th June, 2007